581 are necessary for the validation of the marriage contract. Modern
585 legal systems which took as their basis the Islamic law of marriage
671
675 and the family further required the registration of the marriage contract for the marriage to be legal.

584 The request and necessary response forming the marriage are sup-
585 posed to be carried on by the parties involved. However, if either the
429 groom or the bride is not of age, or is mentally unqualified, the trans-
593 action is carried on by his or her guardian, or "wakil." The wakil is the father, unless he is dead or an invalid, in which case the brothers
[604] become the wakils. If the person has no brothers, then the uncles be-
[184] come the wakil in the order stated. According to certain Sunni sects in Islam, a woman marrying for the first time is always represented by her wakil, even if she is of age. The assumption is that a woman who has never been married does not have the experience that enables her to enter into any kind of legally binding relationship such as marriage.

585 Following the original Islamic idea, marriage among Awlad Ali is
675 an oral agreement between the groom or his father and the guardian
593 (wakil) of the bride-to-be (her father, if alive, or her closest male
429 kin in the following order: her brothers, her uncles, her grandfather).
[604] A religious man is sometimes asked to perform the marriage, although it
585 is not required. Some persons might invite a member of the Murabiteen
792 tribe or holy men to witness the marriage on the basis that his presence
[619] gives "baraka," or blessing, to the marriage. Before the application of
[778] the State legal system to the area, marriage contracts were not regis-
585 tered. In recent years, however, and with the increased mobility of
656 the tribal populations, more and more marriages are being registered in
177 the administrative districts. Still, according to the unofficial estimates,
[675]
[634]

593 cooperation between the wives in household activities difficult. The
595 wives have to have reasonable grounds for their objection to the new
584 bride. But even then, the husband could still marry the woman of his
[431] choice, although in this case he has to bring gifts to the other wives as "nasafa," or making-up present.

584 If the family has no objections to the marriage, the proceedings
593 start. The initial proceedings are undertaken by the women on both sides. The groom's mother or a female relative of his mother's generation or older visits the mother of the prospective bride and tells her of her son's intention to marry the latter's daughter. The bride's mother then discusses the matter with the girl's father who has the
[429] final say in the matter. If the father is dead, then the authority on giving the girl in marriage goes to her brother or closest male kin in the order specified before. The girl has no say in the matter of marriage and cannot refuse to complete the marriage, although after marriage she can resort to a certain practice which helps her to terminate the marriage without the consent of her guardian, as will be seen later in
584 the chapter. From this moment until the conclusion of the marriage
[583] negotiations are done by the men of both families. The first thing to be discussed is the amount of bridewealth, a "mahr." If the two families agree on the marriage, a small ceremony is held. This ceremony is called
[709] "el-fatha" in reference to reading the first "sura" of the Koraan known as el-fatha, or "the beginning." The ceremony includes members of the
[675] two families and very few friends. After the fatha is read, the agreement is achieved. This is considered as an engagement and means that the girl is spoken for and therefore no other man can ask to marry her.

To break the fatha agreement, the father of the prospective bride

593 went to see Muftah and his company. Half an hour later the religious
594 man came and took Hemeida aside and talked to him in a very low voice,
606 then left the tent again. A few minutes more had passed; everyone re-
586 turned to the tent; Muftah was not angry anymore. The religious man
627 read the fatha, or the beginning sura of the Koraan, then said that the
799 souls were now pure and that Hemeida was considered as a son of Muftah
[799] and that disagreements such as this should not alter the good relations between the two. He said that the devil had found his way into the souls of the two people, but now, thanks to God and the good people present, they both had come back to their senses. Hemeida then rose and went to where his father-in-law was sitting and shook hands with him. Then he
[81] handed the religious man ten pounds which the latter passed to Muftah and promised to send him a goat as a gift to his daughter. Muftah left the tent and went to the tent of the women. When he came back he announced that a goat had been slaughtered and that everyone was invited to eat. Everybody then left and Muftah promised to return his daughter to her husband the following day.

593 While the right of the father to take his daughter away from her
606 husband constitutes a check on the authority of the latter and insures
557 the wife good treatment by her husband and her in-laws, not infrequently
586 that right has been invoked for personal or individual interest on the
[429] part of the woman's father or her closest male kin. Several cases have been cited in the area where the father or guardian had invoked the right to force the husband to concede to certain demands of the wife's guardian, even when the wife objected to those demands or disagreed with her guardian. One of these is the case of Mabroka who is married to a distant

who forced her to marry the husband, or if she was cut off from the family for some reason or another.

From the frequency of women using this right in the area, it seems that no social disapproval is associated with it, nor is there a social stigma attached to women who throw themselves. They seem to find it as easy to find a husband as those women divorced voluntarily by their husbands or with the help of their fathers. In fact, as was mentioned earlier, many of them marry the rich men over whom they throw themselves. As to the amount of mahr paid for their subsequent marriages, the fact of throwing themselves does not seem to be a factor in determining the amount of mahr paid. In one of the cases, the woman threw herself on an 'aqila of one of the Geneishat tribe after her father refused to help her get a divorce from her husband who had married a second wife without first asking the first wife's permission. When the Geneishat member succeeded in convincing the husband to divorce his wife, the latter had no place to stay so remained in the house of her protector who acted as her guardian in place of her father who had refused to take her back in his home. While staying in the house of her protector, she got many marriage offers; one of the suitors offered a mahr of L.E. 4,000 ($10,000), one of the highest mahrs reported in the area. She agreed, and the marriage was affected. This mahr is about ten times the mahr she got for her first marriage. This procedure offers the woman a considerable guarantee of her marital rights. It also gives her, as far as the ability to dissolve the marriage, a status close to that of her husband. This relative equality is reflected is reflected in the lack of stigma associated with divorced

5: Peters E-5 (1948-1950) 1967 MT9 Libyan Bedouin MT9
Cyrenaica

121 613 682 674 829 604 121 613 604 [554] [582] [584] [429] [422] [583] 121 613 606 121 613

kill within this range is, in terms of the general pattern of behaviour, stupid. What is of interest is that such killings do occur. I recorded three instances of men killing the mother's brother in the contemporary population, not to mention many others based on hearsay evidence only. Clearly, the relationship is more than a merely permissive one. The mother's brother may well be the only person who can help in certain crises, and if he withholds his assistance the sister's son is left in a dilemma. The form of behaviour in which demands are made is, as the Bedouin rightly say, that of asking a favour, but this does not mean that it is any the less urgent than a demand made against agnates. The range of favours is large, and only a few can be detailed here. If a group has insufficient water to meet its needs a man first seeks help from his mother's brother. The request has a number of aspects to it: it is a test of the relationship itself; it is a matter of pride and status that a man can 'call' on another to help his group out of difficulties, it is an assurance that resources other than those jealously guarded by his agnates are available to him, and if a man is seeking to increase his power he must have available more than an agnate's share of local water resources to supply his flocks and herds. When a blood-money payment has to be made, the mother's brother is expected to come forward—it is his right to give without being asked. If a man wants a wife, he is not permitted to approach his father directly, but his mother's brother can put pressure on the father instead. If a man dies while his eldest son is still a minor, his brother may be required to act as guardian, and in this role he controls the son's property; disputes frequently break out as a result, with the son at a considerable disadvantage, for he cannot engage his father's brother in hostilities—but his mother's brother can do so for him. Whenever men come to possess animals before the demise of their fathers or when the father's brother is acting as guardian they mark them with the tribal and personal signs of their mothers' brothers. Men have the right to demand contributions for bridewealth from their agnates if they lack wealth; in practice it comes not from them, but from the mother's brother. Finally, in certain circumstances, if a man does not have male heirs, his sister's son might inherit all his wealth.

Affinity also carries with it a large number of rights. A poor man may take up residence in the camp of his father-in-law, and be kept by him. The latter may come to his son-in-law's aid in many of his dealings with his father. Like the mother's brother, the affine is a potential source of water-supply when rain has been insufficient on the homeland. He also helps with blood money and bridewealth, and he is expected to aid his daughter and her husband with gifts of food and wool.

The details given above by no means exhaust the list of rights a man possesses in his matrilateral and affinal relatives. Obviously, these are not the only forms of relationship either, and the other forms carry with them yet other claims of various sorts. Enough detail has been given, however, to make clear the point that local agnatic groups are so differentiated, and inter-group relationships are so important, that each aspect of homicide settlement previously described will require further examination, not in the sense that additional complications must be introduced, but with the question in mind, is not the structural presentation false? Before beginning this stage of the argument it is necessary to establish the fact that the links of affinity and matrilaterality which a group has with another are of a kind which necessitate their inclusion in an analysis of the arrangements for settling homicides.